

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 21, 2004

Division: Growth Management

Bulk Item: Yes No X

Department: N/A

AGENDA ITEM WORDING: A public hearing to adopt an Ordinance amending Section 19-129, Monroe County Code, to replace the terms "motor coaches, travel trailers, and motor homes" with "recreational vehicle-unit types" and to provide for an increase in the length and width of recreational vehicles that may be parked or stored in a residential district. [One Public Hearing Required.]

ITEM BACKGROUND: Recent developments in the recreational motor home and coach industry have led to larger and more expensive vehicles of greater than 35 feet in length and 8 feet in width. Section 19-129, Monroe County Code (MCC), prohibits the storage or overnight parking of recreational vehicles on public right of way or private property exceeding 35 feet in length and 8 feet in width except within an enclosed garage.

On March 17, 2004 the Board directed staff to prepare an amendment to Section 19-129, MCC to reflect the increase in the size of recreational vehicles. In addition to preparing an amendment to increase the permitted size of recreational vehicles that can be parked on right of way and private property in a residential district, the staff has also prepared amendments to clarify existing language to be more consistent with Florida Statutes and to facilitate enforcement of the regulations.

PREVIOUS RELEVANT BOCC ACTION: Directed staff to prepare and advertise ordinance amending Section 19-129, MCC, on March 17, 2004.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY: N/A

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes N/A No

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

Timothy J. McGarry
Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # T3

ORDINANCE NO. -2004

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 19-129, MONROE COUNTY CODE; REPLACING THE TERMS "MOTOR COACHES, TRAVEL TRAILERS, AND MOTOR HOMES" WITH THE MORE INCLUSIVE TERM "RECREATIONAL VEHICLE-TYPE UNITS"; PROVIDING FOR AN INCREASE IN THE LENGTH AND WIDTH OF RECREATION VEHICLES THAT MAY BE PARKED OR STORED IN A RESIDENTIAL DISTRICT; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, recent developments in the recreational motor home and coach industry have led to longer and more expensive vehicles of greater than 35 feet in length and 8 feet in width; and,

WHEREAS, Section 19-129, Monroe County Code (MCC), prohibits the storage or parking overnight on public right-of-way or private property within any residential zoned district of motor coaches and motor homes exceeding 35 feet in length and eight feet in width, except within a completely enclosed garage; and,

WHEREAS, the Board of County Commissioners, at its regularly scheduled meeting on March 17, 2004, directed the Growth Management Division staff to prepare an amendment to Section 19-129, MCC, to increase the allowable length of recreational vehicles to at least 42 feet to accommodate larger size recreational vehicles; and,

WHEREAS, the Growth Management Division staff has prepared amendments to Section 19-129, MCC, to clarify the existing regulations and increase the limits on the length of recreational vehicles before they must be fully enclosed for storage or overnight parking; and,

WHEREAS, the staff has incorporated in these proposed amendments to Section 19-129, MCC, an increase in the width limits of these recreational vehicles from 8 feet to 8.5 feet to accommodate the size of these new, larger vehicles and the width allowances for recreational vehicles under Section 316.515, Florida Statutes; and,

WHEREAS, the staff has also amended the existing language referring to "motor coaches", "motor homes", and "travel trailers" by replacing these terms with the single term, "recreational vehicle-type units", which is more consistent with the definition

contained in Section 320.01, Florida Statutes, and clarifies the ambiguities in the existing regulations concerning the type of recreational vehicles subject these regulations; and,

WHEREAS, the term "recreational vehicle-type units" includes "travel trailers, camping trailers, truck campers, motor homes, private motor coaches, van conversions, park trailers, and fifth-wheel trailers"; and,

WHEREAS, the increases of seven feet in the allowable length and a one-half feet in the allowable width of these recreational vehicles subject to the provisions of Section 119-129, MCC, are insignificant and do not negatively impact community character, especially as these recreational vehicles must be parked on private property in manner that meets all setback requirements; and,

WHEREAS, the Board of County Commissioners has reviewed the proposed amendments to Section 19-129, MCC, recommended by the Growth Management Division staff;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THE FOLLOWING:

Section 1. Section 19-129 (a) is hereby amended as follows:

(a) Within any residential district, no trucks, trailers or wagons of one-ton or greater capacity or ~~motor homes or motor coaches~~ recreational vehicle-type units, as defined in Section 320.01, Florida Statutes, in excess of ~~thirty-five (35)~~ forty-two feet (42) in length and in excess of eight and one-half (8.5) feet in width shall be parked for storage purposes, including overnight, on any public right-of-way or on private property except within a completely enclosed garage. No trailers of less than one-ton capacity, including all pleasure boat trailers regardless of capacity, collapsible camping trailers and cargo trailers shall be parked for storage purposes, including overnight, on any public right-of-way, but such trailers may be parked on private property in any district provided that such trailers only within the areas in which the principal building, accessory buildings, or the parking of vehicles is permitted, pursuant to paragraph (b) below and this chapter. Only one (1) ~~travel trailer, motor coach, motor home or~~ recreational vehicle-type unit as defined in Florida Statutes section ~~513.01~~ 320.01, shall be permitted on any one (1) residential or mobile home lot for storage purposes as provided in this section. Trucks, trailers, wagons, ~~motor homes or motor coaches~~ recreational vehicle-type units as referred to in this paragraph may only be parked on the same lot with and after the principal structure is erected.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. This ordinance shall take effect immediately upon receipt of the official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

Section 5. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition, or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. The Clerk of the Court is hereby directed to forward a copy of this Ordinance to the Municipal Code Corporation for incorporation into the Monroe County Code of Ordinances.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 21st day of April, AD, 2004.

Mayor Murray Nelson _____

Mayor Pro Tem David Rice _____

Commissioner Charles "Sonny" McCoy _____

Commissioner George Neugent _____

Commissioner Dixie Spehar _____


BOARD OF COUNTY COMMISSIONERS,
MONROE COUNTY, FLORIDA

By: _____
Mayor/Chairman

(SEAL)

Attest: DANNY KOLHAGE, Clerk

By: _____
Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 2-27-04